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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,098

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EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2145

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/696,098	<b>Applicant(s)</b> LINEMAN, DAVID J.	
	<b>Examiner</b> Jeffrey R. Swearingen	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12,13,15-23 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12,13,15-23 and 25-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Response to Arguments***

2. Applicant's arguments filed 4/3/2008 have been fully considered but they are not persuasive.

3. Applicant's amendment to the specification has triggered a new matter rejection in regard to the 101 transmission media issue. To expedite prosecution, Applicant is requested to contact the Examiner prior to subsequent filings in order to determine the best way to overcome this rejection.

4. Applicant argues that Dahm fails to disclose determining whether a protocol of a received request is wireless or wired. In column 5, lines 63-65, Dahm shows that HTTP is used in a landnet system and UDP is used in a wireless system. Column 5, line 63 – column 6, line 23 detail the detection of both the UDP and HTTP protocols. This is determining whether a protocol of a received request is wireless or wired – the protocol is determined.

5. Applicant argues that Dahm fails to disclose receiving a user access request for a network password and/or account privileges management self-service application and selective transmission of a responsive query including a challenge question. Column 10, lines 38-40 detail a request for access verification. Lines 43-45 detail the exchange of encryption keys – "selective transmission of a responsive query including a challenge question".

6. Applicant argues that Dahm fails to disclose selectively transmitting a responsive query including a challenge question to validate the user access request. Column 10, lines 38-40 detail a request for access verification. Lines 43-45 detail the exchange of encryption keys – "selective transmission of a responsive query including a challenge question".

7. Applicant argues that Dahm fails to disclose a password and/or account privileges management self-service access method. The access verification in column 10 is a "password self-service access method". Applicant is reminded that the claim language is for a password and/OR account privileges management self-service access method. (emphasis added) No privileges, regardless of the difference of opinion regarding what "privileges" means, are required by the claim.

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8. Applicant argues that claims 29-31 fail to disclose a challenge question in Dahm. Dahm in column 10 discloses the exchange of information between devices to determine access permissions. Lines 39-43 specifically allow for this to be a device identification. Lines 28-29 disclose that "93845823" is a device identification. Applicant is responsible for reading the reference in its entirety. The line citations are only meant to assist Applicant in understanding the rejection; the rejection is over the Dahm reference in its entirety, which is only 17 pages in length.

9. Applicant argues that Dahm fails to disclose a network password. The exchange of encryption keys is a network password.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claims 13, 15-23, 25, 27-28, and 30-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant amended the specification to remove a reference to transmission media. This is interpreted as adding new matter to the specification by removing the scope of transmission media that Applicant originally filed. Applicant should contact the Examiner before filing a response in order to best respond to this rejection.

***Claim Rejections - 35 USC § 101***

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 13, 15-23, 25, 27-28, and 30-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 and its dependent claims are to an application access system. The claims are software *per se*, and are not embodied upon any hardware.

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Software *per se* is not statutory subject matter unless embodied in a hardware form. Claim 25 and its dependent claims are to a computer program product comprising a computer readable storage medium. Applicant has expanded the definition of computer readable storage media to encompass non-statutory transmission media. Specification, page 7, lines 1-5.

***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1, 3-10, 12-13, 15-23, and 25-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Dahm et al. (US 6,466,783 B2).

16. In regard to claims 1, 13, 25, Dahm disclosed:

*receiving a user access request from a user at a server associated with the network password and/or account privileges management self-service application; column 10, lines 30-51*

*determining whether a protocol of the received request is a wireless or wired protocol; column 5, line 63 – column 6, line 10; column 6, lines 11-23. Dahm specifically specifies the use of both wired and wireless networks. Column 6, lines 1-3. Column 9, lines 46-64*

*formatting the received request to a common format for processing by the self-service application; and column 6, lines 11-23*

*selectively transmitting a responsive query including a challenge question to validate the user access request from the self-service application to the user based on the wireless protocol when the received request is a wireless protocol request and based on the wired protocol when the received request is a wired protocol based on whether the received request is determined to be the wireless or wired protocol. Column 10, lines 30-51*

17. In regard to claims 3, 15, Dahm disclosed:

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*formatting the responsive query based on the wireless protocol when the received request is the wireless protocol request and based on the wired protocol when the received request is the wired protocol request; and column 8, lines 9-59*  
*transmitting the formatted responsive query.*

18. In regard to claims 4, 16, Dahm disclosed:

*wherein the wireless protocol comprises a wireless access protocol (WAP) and wherein the wired protocol comprises a Hypertext Transfer Protocol (HTTP). Column 7, lines 26-30; column 8, lines 34-35; column 9, lines 62-64*

19. In regard to claims 5, 17, Dahm disclosed:

*wherein the wireless access protocol uses wireless mark-up language (WML) and wherein the wired protocol uses hypertext mark-up language (HTML). Column 7, lines 26-30; column 8, lines 34-35*

20. In regard to claims 6, 18, Dahm disclosed:

*wherein the common format comprises a data format of the self-service application and wherein formatting the responsive query includes receiving the responsive query from the self-service application in the data format of the self-service application column 6, lines 11-23.*

21. In regard to claims 7, 19, Dahm disclosed:

*wherein the formatted response query comprises a text query and the user access request comprises another text query. Column 6, lines 11-23*

22. In regard to claims 8, 20, Dahm disclosed:

*wherein the user access request comprises a user identifier and wherein the responsive query comprises a challenge question selected based on the user identifier to validate the user access request. Column 10, lines 30-51*

23. In regard to claims 9, 21, Dahm disclosed:

*receiving a response to the challenge question from the user at the server associated with the self-service application; column 10, lines 30-51*

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*determining whether the received response to the challenge question is the wireless or wired protocol request; column 5, line 63 – column 6, line 10; column 6, lines 11-23. Dahm specifically specifies the use of both wired and wireless networks. Column 6, lines 1-3. Column 9, lines 46-64*

*formatting the received response to the challenge question to the common format for processing by the self-service application; and column 6, lines 11-23*

*transmitting a confirmation of execution of the received self-service request to the user if the user access request is validated. Column 10, lines 30-51*

24. In regard to claims 10, 22, Dahm disclosed:

*receiving the user access request in the common format; column 6, lines 11-23*

*selecting the responsive query based on the user identifier; column 10, lines 30-51*

*receiving the received response to the challenge question in the common format; column 6, lines 11-23*

*determining if the user access request is valid based on the received response to the challenge question; and column 10, lines 30-51*

*servicing the user access request only if the user access request is valid. Column 10, lines 30-51*

25. In regard to claim 12, Dahm disclosed:

*the responsive query comprises a text query and the user access request comprises another text query. Column 10, lines 30-51*

26. In regard to claim 23, Dahm disclosed:

*the validation circuit and the service circuit comprise the self-service application. Column 10, lines 30-51*

27. In regard to claims 26-28, Dahm disclosed:

*the network password and/or account privileges management self-service application comprises a network password management self-service application. Column 10, lines 30-51*

28. In regard to claims 29-31, Dahm disclosed:

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*the challenge question comprises the user's mother's maiden name, the user's favorite color, the user's favorite brand of cereal and/or at least a portion of the user's telephone number.*

Column 10, line 29

### **Conclusion**

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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